

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RALPH CLIATT and
CHARLOTTE CLIATT,

Plaintiffs,

No. 09-12556

v.

Hon. John Corbett O'Meara

CITY OF NOVI, *et al.*,

Defendants.

_____ /

ORDER OF PARTIAL DISMISSAL

Plaintiffs' complaint, which was removed to this court on June 29, 2009, sets forth the following counts: Count I, violation of civil rights; Count III, conspiracy to violate civil rights; and Count IV, violation of M.C.L. 780.655 and the Michigan Constitution.¹

Although alleged civil rights violations brought pursuant to 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Because the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

¹ Plaintiffs' complaint does not contain a Count II.

Accordingly, it is hereby **ORDERED** that Count IV of Plaintiffs' complaint is **REMANDED** to Oakland County Circuit Court.

s/John Corbett O'Meara
United States District Judge

Date: July 31, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 31, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager